

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

LINDSAY O'BRIEN QUARRIE,

Plaintiff,

v.

The BOARD of REGENTS of the
NEW MEXICO INSTITUTE of
MINING and TECHNOLOGY in their
official capacities, STEPHEN WELLS in
his individual and official capacities,
DANIEL LOPEZ in his individual and
official capacities, ALY EL-OSERY in
his individual and official capacities,
and ALISA WIGLEY-DELARA in
her individual and official capacities,

No. 1:23-cv-00546-MV-JFR

Defendants.

MOTION FOR JUDICIAL NOTICE

Plaintiff Lindsay O'Brien Quarrie, *pro se*, conferred with Defendants' legal counsels, on the opposed motion for judicial notice pursuant to Federal Rule of Evidence 201 Plaintiff in the above-captioned case, hereby moves this Court to take judicial notice of the following:

1. **Fact or Document to be Noticed:** Exhibit A-NMT Student Handbook Section 14
2. **Fact or Document to be Noticed:** Exhibit B -- Quarrie Request Letter to NMT
3. **Fact or Document to be Noticed:** Exhibit C -- NMT Response Letter to Quarrie
4. **Fact or Document to be Noticed:** Exhibit D -- Notarized Copies of Liebrock Letters and Folder copy provided by NMT.
5. **Basis for Judicial Notice:** These facts are not subject to reasonable dispute because it:
 - I. Is generally known within the territorial jurisdiction of this court, and
 - II. Can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.
6. **Exhibit A:** Attached as Exhibit A is the relevant Section 14 of NMT Student Handbook.

7. **Exhibit B:** Attached as Exhibit B is Quarrie Request Letter to NMT
8. **Exhibit C:** Attached as Exhibit C is NMT Response Letter to Quarrie
9. **Exhibit D:** Notarized Copies of Liebrock Letters and Folder copy provided by NMT.

10. **Relevance:** The facts are relevant to the proceedings for the following reasons:

- a) All of these exhibits qualify for judicial notice because they are on the public record at NMT -- either on their website (NMT Handbooks, Course Catalogs) in Plaintiffs' publicly available court files (Plaintiffs' letter and NMT response).
- b) Exhibit A is the relevant Section 14 of NMT Student Handbook. The Handbook's provision in Section 14 mandates not only the removal but also the destruction of documents.
- c) Exhibit B is Plaintiffs' letter with attached exhibits to NMT requesting the removal and destruction of all relevant documents and in Plaintiff's files and also with the court.
- d) Exhibit C is NMT's response letter which turned out to contain verifiably false information.
- e) Exhibit D, as evidenced by the fact that Plaintiff found two additional copies of the Liebrock termination letter that hadn't been removed and destroyed, (Doc. 11 Exhibit D).

WHEREFORE, Plaintiff respectfully requests that this Court take judicial notice of the facts described herein as the court is supplied with the necessary information.

Respectfully submitted,

/s/ Lindsay O'Brien Quarrie
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 22, 2023, I filed the foregoing using the CM/ECF system, which caused all counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Lindsay O'Brien Quarrie
LINDSAY O'BRIEN QUARRIE
PLAINTIFF PRO SE